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DOCKET NO. JBP0581USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Huang et al.

Serial No.: 10/091,813

Art Unit: 1644

Filed : March 6, 2002

Examiner: Patrick J. Nolan

For : METHOD AND KIT FOR MEASURING SKIN INFLAMMATION OR IRRITATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on

December 8, 2004

(Date of Deposit)

Erin M. Harriman

(Name of applicant, assignee, or Registered Representative)

(Signature)

December 8, 2004

(Date of Signature)

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Election of Species Requirement mailed October 8, 2004, Applicants respectfully elect, with traverse the analyzing method set forth in claim 6 and the collection device set forth in claim 2. Applicants Remarks are set forth below.

REMARKS

The Examiner has required election of species for prosecution on the merits under 35 U.S.C. 121 of the following:

- I. The method of detection of [analyzing] the eicosanoid as set forth in claims 6, 7, 16, 17, 26 and 27 and
- II. The non-invasive collection device as set forth in claims 2 and 12.

The Examiner asserts that each method of detection or collection device would require a separate search and would therefore be unduly burdensome. Applications respectfully disagree. The detection and collection devices are used in a method for measuring a marker of clinical or sub-clinical inflammation or irritation of mammalian skin. Accordingly, the search would not pose an undue burden on the Examiner. Nevertheless, to be fully responsive, Applicants hereby elect the analyzing method set forth in claim 6 and the collection device set forth in claim 2.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP0581USNP/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,



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DATE: December 8, 2004